IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.4726 OF 2004

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Shri Haji Yusuf Abdul Majid
Shaikh & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.Rajendra J. Rathod for the Applicants.
Mr.K.V.Saste, APP for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DATED: 29TH OCTOBER,2004

P.C.:

1. Heard Counsel for the parties. Perused the record. In so far as the Applicant No.1 is

concerned, I see no reason to depart from the view taken by the court below in rejecting his anticipatory bail application. He was the husband of the deceased. Suffice it to observe that as the offence is serious and there is material on record, besides the investigation is in progress, no case for grant of anticipatory bail.

2. In so far as Applicant No.2 is concerned, she is mother-in-law of the deceased and mother of Applicant No.1. Indeed, allegations are also made against her, but being female and of advanced age, her request for release on anticipatory bail can be considered by imposing strict conditions. Accordingly, this application is allowed only with regard to Applicant No.2 Smt. Ruksana @ Bibi Abdul Majid Shaikh on the following terms.

(i) Applicant No.2 is granted anticipatory bail in connection with Cr.No.I-239/2004 registered with Ambarnath Police Station on executing personal bond in the sum of Rs.25,000/- with two local sureties in the like amount.

(ii) Applicant No.2 shall abide by all the conditions

provided under Section 438(2) of Cr.P.C. as applicable to State of Maharashtra. Besides, the Applicant No.2 shall not leave the jurisdiction of district Mumbai without prior intimation to the Investigating Officer.

3. The learned Counsel for the Applicant No.1 assures that the Applicant No.1 will surrender before the Investigating Officer on Monday i.e. 1st November, 2004. That assurance is accepted.

Application disposed of.

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